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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

No. 927.

26 May 1977.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 67 of 1977: Civil Defence Act, 1977.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 927.

26 Mei 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 67 van 1977: Wet op Burgerlike Beskerming, 1977.

Act No. 67, 1977

CIVIL DEFENCE ACT, 1977.

ACT

To confer upon provincial councils the power to make ordinances in connection with civil defence in a state of emergency or disaster; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 18 May 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "Administrator" means the officer appointed under section 66 (1) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), acting with the consent of the executive committee of the province; (i)
- (ii) "disaster" includes an act of God, the influx of refugees into the Republic, or any consequences arising out of terrorism as defined in the Terrorism Act, 1967 (Act No. 83 of 1967); (iv)
- (iii) "Minister" means the Minister of Defence; (ii)
- (iv) "state of disaster" means a state of disaster referred to in section 2; (v)
- (v) "state of emergency" means the state which exists during—
 - (a) a state of emergency referred to in section 2 of the Public Safety Act, 1953 (Act No. 3 of 1953); or
 - (b) "time of war" as defined in section 1 (1) of the Defence Act, 1957 (Act No. 44 of 1957). (iii)

Declaration of state of disaster by Minister and interim action by Administrator.

2. (1) If at any time in the opinion of the Minister it appears that any disaster is of such a nature and extent that extraordinary measures are necessary to assist and protect the Republic and its inhabitants and to combat civil disruption, or that circumstances are likely to arise that such measures will be necessary, he may in such manner as he deems fit declare that as from a specified date a state of disaster exists within an area defined by him: Provided that if such declaration is made in any other manner than by notice in the *Gazette* the Minister shall as soon as possible thereafter confirm such declaration by such notice.

(2) The declaration of a state of disaster shall remain in force for a period of three months as from the date referred to in subsection (1), unless the Minister withdraws such declaration before the expiry of such period by notice in the *Gazette*: Provided that the Minister may from time to time by like notice extend such declaration before the expiry of such period or any extension thereof.

WET

Om aan provinsiale rade die bevoegdheid te verleen om ordonnansies te maak betreffende burgerlike beskerming in 'n nood- of ramptoestand; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Mei 1977.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing beteken—

- (i) „Administrateur” die amptenaar aangestel kragtens artikel 66 (1) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), handelende met die instemming van die uitvoerende komitee van die provinsie; (i)
- (ii) „Minister” die Minister van Verdediging; (iii)
- (iii) „noodtoestand” die toestand wat bestaan tydens—
 - (a) 'n noodtoestand in artikel 2 van die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), bedoel; of
 - (b) „oorlogstyd” soos omskryf in artikel 1 (1) van die Verdedigingswet, 1957 (Wet No. 44 van 1957); (v)
- (iv) „ramp” ook 'n natuurramp, die toestroming van uitgewekenes na die Republiek of enige gevolge wat ontstaan as gevolg van terrorisme soos omskryf in die Wet op Terrorisme, 1967 (Wet No. 83 van 1967); (ii)
- (v) „ramptoestand” 'n in artikel 2 bedoelde ramptoestand; (iv)

2. (1) Indien dit te eniger tyd na die mening van die Minister blyk dat enige ramp van so 'n aard en omvang is dat buitengewone maatreëls nodig is om die Republiek en sy inwoners by te staan en te beskerm en om burgerlike ontwigting te bekamp, of dat toestande waarskynlik sal ontstaan dat sodanige maatreëls nodig sal wees, kan hy, op die wyse wat hy dienstig ag, verklaar dat daar binne 'n deur hom omskrewe gebied vanaf 'n bepaalde datum 'n ramptoestand bestaan: Met dien verstande dat indien so 'n verklaring op enige ander wyse as by kennisgewing in die *Staatskoerant* gedoen word, die Minister die verklaring so spoedig moontlik daarna by sodanige kennisgewing moet bevestig.

Verklaring van ramptoestand deur Minister en tussentydse optrede deur Administrateur.

(2) Die verklaring van 'n ramptoestand bly van krag vir 'n tydperk van drie maande vanaf die datum in subartikel (1) bedoel, tensy die Minister daardie verklaring voor die verstryking van sodanige tydperk by kennisgewing in die *Staatskoerant* intrek: Met dien verstande dat die Minister sodanige verklaring van tyd tot tyd voor die verstryking van bedoelde tydperk, of 'n verlenging daarvan, by soortgelyke kennisgewing kan verleng.

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(3) Whenever in the opinion of an Administrator circumstances are such that a state of disaster may be declared in terms of subsection (1) or that immediate action is necessary to prevent or to combat the consequences of a disaster, he may in consultation with the Minister for a period not exceeding four days which follows immediately after he has given notice of his intention to do so in the *Provincial Gazette* or in such other manner as he deems expedient, take any steps which, in terms of an ordinance made under section 3 could have been taken by him, and any steps so taken shall be deemed to have been taken by him under such ordinance: Provided that whenever owing to special circumstances it is in the opinion of the Administrator urgently necessary to do so, he may take such steps until it is possible for him to consult with the Minister: Provided further that where the Administrator has taken any steps without such consultation he shall at the earliest opportunity report to the Minister on the steps taken.

(4) If the Minister has under subsection (1) declared a state of disaster, he shall within fourteen days of such declaration communicate the reasons therefor to the Senate and the House of Assembly, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

Power of provincial council to make ordinances in connection with civil defence.

3. (1) A provincial council may, subject to the provisions of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and the Financial Relations Act, 1976 (Act No. 65 of 1976), make ordinances in connection with any matter, other than a matter which requires or entails armed action or the prevention or the combating of crime, relating to civil defence, including—

- (a) the protection of persons and property, and the rendering of assistance to persons, in the province with a view to or in connection with a state of emergency or disaster; and
- (b) the combating of civil disruption in the province in a state of emergency or disaster.

(2) In the event of a conflict between the provisions of an ordinance made under subsection (1) and the provisions of a regulation made under the Public Safety Act, 1953 (Act No. 3 of 1953), or the Defence Act, 1957 (Act No. 44 of 1957), the provisions of the regulation shall prevail.

(3) No ordinance referred to in subsection (1) shall be introduced in a provincial council except after consultation between the Minister and the Administrator concerned and no regulation made in terms of such ordinance shall be promulgated without the prior approval of the Minister.

Compensation in respect of certain land, buildings and movable property.

4. If any person is in terms of any ordinance referred to in section 3 directed for the purposes of achieving the objects of such ordinance to surrender the use of any building or land to any person or authority contemplated in the ordinance, or to deliver or make available any movable property which is required for the achievement of such object, such person shall be paid such compensation as may be determined by the Administrator: Provided that a dispute relating to the amount of such compensation shall be settled in a manner determined by an ordinance referred to in section 3.

Minister may take over certain powers and duties.

5. (1) (a) The Minister may by notice in such manner as he may deem fit, from a date, to the extent and for the purposes mentioned in that notice, after consultation with the Administrator concerned, take over any power or duty conferred or imposed upon any person or authority by or under any ordinance referred to in section 3: Provided that if such notice has been given in any other manner than by notice in the *Gazette*, the Minister shall as soon as possible thereafter publish the contents of such notice in the *Gazette*.
- (b) Such notice may with a view to the exercise of the power or duty to which the notice relates, confer or

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(3) Wanneer omstandighede na die oordeel van 'n Administrateur van so 'n aard is dat 'n ramptoestand ingevolge subartikel (1) afgekondig kan word of dat onmiddellike optrede nodig is om die gevolge van 'n ramp te voorkom of te bekamp, kan hy in oorleg met die Minister vir 'n tydperk van hoogstens vier dae wat volg onmiddellik nadat hy kennis van sy voorneme om dit te doen in die *Provinsiale Koerant* of op sodanige ander wyse as wat hy dienstig ag, gegee het, enige stappe doen wat deur hom kragtens 'n ordonnansie gemaak ingevolge artikel 3 gedoen sou kon word, en enige stappe aldus gedoen, word geag deur hom kragtens bedoelde ordonnansie gedoen te gewees het: Met dien verstande dat wanneer na die oordeel van die Administrateur weens besondere omstandighede dit dringend nodig is sulks te doen, hy sodanige stappe kan doen tot tyd en wyl dit vir hom moontlik is om met die Minister oorleg te pleeg: Met dien verstande voorts dat waar die Administrateur stappe gedoen het sonder sodanige oorlegpleging, hy by die vroegste geleentheid aan die Minister verslag moet doen oor die stappe wat gedoen is.

(4) Indien die Minister 'n ramptoestand kragtens subartikel (1) verklaar het, deel hy binne veertien dae na sodanige verklaring die redes daarvoor mee aan die Senaat en die Volksraad, indien die Parlement in sessie is, of, indien die Parlement nie dan in sessie is nie, binne veertien dae na die begin van sy eersvolgende sessie.

3. (1) 'n Provinsiale raad kan, behoudens die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en die Wet op Finansiële Verhoudings, 1976 (Wet No. 65 van 1976), ordonnansies maak met betrekking tot enige aangeleentheid, uitgesonderd 'n aangeleentheid wat gewapende optrede of die voorkoming of bekamping van misdaad vereis of behels, betreffende burgerlike beskerming, met inbegrip van—

Bevoegdheid van provinsiale raad om ordonnansies met betrekking tot burgerlike beskerming te maak.

- (a) die beskerming van persone en goed, en die verlening van bystand aan persone, in die provinsie met die oog op of met betrekking tot 'n nood- of ramptoestand; en
- (b) die bekamping van burgerlike ontwrigting in die provinsie tydens 'n nood- of ramptoestand.

(2) In die geval van 'n botsing tussen die bepalings van 'n ordonnansie gemaak kragtens subartikel (1) en die bepalings van 'n regulasie uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), of die Verdedigingswet, 1957 (Wet No. 44 van 1957), geld die bepalings van die regulasie.

(3) Geen in subartikel (1) bedoelde ordonnansie word in 'n provinsiale raad ingedien nie, behalwe na oorlegpleging tussen die Minister en die betrokke Administrateur en geen regulasie gemaak ingevolge sodanige ordonnansie word afgekondig sonder die voorafgaande goedkeuring van die Minister nie.

4. Indien iemand ingevolge 'n ordonnansie in artikel 3 bedoel, gelas word om vir die doeleindes van die bereiking van die oogmerke van dié ordonnansie die gebruik van enige gebou of grond aan 'n in die ordonnansie beoogde persoon of gesag af te staan, of om enige roerende goed wat vir die bereiking van daardie oogmerke nodig is te lewer of beskikbaar te stel, word aan so iemand dié vergoeding betaal wat die betrokke Administrateur bepaal: Met dien verstande dat 'n geskil met betrekking tot die bedrag van bedoelde vergoeding besleg word op 'n wyse bepaal deur 'n ordonnansie in artikel 3 bedoel.

Vergoeding ten opsigte van sekere grond, geboue en roerende goed.

5. (1) (a) Die Minister kan by kennisgewing op die wyse wat hy dienstig ag, vanaf 'n datum, in die mate en vir die doeleindes in daardie kennisgewing vermeld, enige bevoegdheid of plig wat deur of kragtens 'n ordonnansie in artikel 3 bedoel aan die een of ander persoon of gesag verleen of opgelê word, na oorlegpleging met die betrokke Administrateur, oorneem: Met dien verstande dat indien sodanige kennisgewing op enige ander wyse as by kennisgewing in die *Staatskoerant* geskied, die Minister so spoedig moontlik daarna die inhoud van sodanige kennisgewing in die *Staatskoerant* moet publiseer.
- (b) So 'n kennisgewing kan met die oog op die uitoefening of verrigting van die bevoegdheid of plig waarop die

Minister kan sekere bevoegdhede en pligte oorneem.

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impose on any person or authority any power or duty which could have been conferred or imposed in terms of the ordinance concerned and which in the opinion of the Minister is necessary for the effective exercise or performance of the power or duty to which such notice relates.

- (c) For the purposes of the exercise or performance of any power or duty so taken over, any reference in such an ordinance to such a person or such an authority shall be construed as a reference to the Minister.

(2) The Minister may for the purposes of the performance of any work arising from the exercise or performance of any power or duty taken over under subsection (1), appoint such persons as he may deem necessary.

(3) The State, the Minister or any person or authority which exercises or performs a power or duty contemplated in subsection (1), shall not be liable in respect of anything done in good faith in connection with the exercise or performance of a power or duty taken over under that subsection.

(4) The Minister may from time to time by like notice amend or withdraw any notice referred to in subsection (1).

Rendering of assistance in connection with civil defence.

6. The Minister may—

- (a) direct any member of the South African Defence Force—
- (i) to render to any person or authority upon whom a power or duty is conferred or imposed by or under an ordinance referred to in section 3, in connection with the exercise or performance of such power or duty, such assistance as may be determined by the Minister;
 - (ii) to perform functions in terms of an ordinance referred to in section 3 as if they were functions which such member may be required to perform under the Defence Act, 1957 (Act No. 44 of 1957);
 - (iii) to evaluate from time to time the Republic's preparedness relating to civil defence and to inform and advise an Administrator in connection therewith;
 - (iv) in collaboration with an Administrator to activate civil defence in a province and to co-ordinate all activities in connection therewith;
- (b) designate the head of a state department, in consultation with the Minister administering that department, to perform or to cause the performance of such functions as may be determined by the Minister in connection with any matter provided for in an ordinance referred to in section 3.

Decorations and medals.

7. The State President may, subject to such rules as he may deem fit, institute decorations and medals, and in respect of such decorations and medals, bars, clasps and ribbons, which may be awarded by him or the Minister to any member of a fire brigade in respect of his service as such a member, or to any other person in respect of service in terms of this Act or any ordinance referred to in section 3.

Persons not competent to perform functions.

8. The State President may make regulations relating to the categories of persons or the circumstances under which particular categories of persons shall not be competent to perform any function provided for by any ordinance referred to in section 3.

Compensation in respect of death, bodily injury or disablement of certain persons.

9. (1) The State President may make regulations providing for the payment, out of moneys appropriated by Parliament for this purpose, of compensation to any person, or the dependants of any person, whose death, bodily injury or disablement results from any event occurring in the course of the performance of any

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kennisgewing betrekking het, aan enige persoon of gesag, enige bevoegdheid of plig verleen of opgelê wat ingevolge die betrokke ordonnansie verleen of opgelê sou kon word en wat na die oordeel van die Minister vir 'n doeltreffende uitoefening of verrigting van die bevoegdheid of plig waarop daardie kennisgewing betrekking het, nodig is.

- (c) Vir die doeleindes van die uitoefening of verrigting van 'n bevoegdheid of plig aldus oorgeneem, word 'n verwysing in so 'n ordonnansie na bedoelde persoon of gesag uitgelê as 'n verwysing na die Minister.

(2) Die Minister kan vir die doeleindes van die verrigting van werk wat voortspruit uit die uitoefening of uitvoering van 'n bevoegdheid of plig wat kragtens subartikel (1) oorgeneem is, die persone wat hy nodig ag, aanstel.

(3) Die Staat, die Minister of enige persoon of gesag wat 'n bevoegdheid of plig in subartikel (1) beoog, uitoefen of verrig, is nie aanspreeklik nie ten opsigte van enigiets wat te goeder trou gedoen is in verband met die uitoefening of uitvoering van 'n bevoegdheid of plig kragtens daardie subartikel oorgeneem.

(4) Die Minister kan van tyd tot tyd by dergelike kennisgewing 'n kennisgewing in subartikel (1) bedoel, wysig of intrek.

6. Die Minister kan—

- (a) 'n lid van die Suid-Afrikaanse Weermag aansê—

Verlening van
bystand in
verband met
burgerlike
beskerming.

(i) om aan 'n persoon of gesag aan wie 'n bevoegdheid of plig deur of kragtens 'n ordonnansie in artikel 3 bedoel, verleen of opgelê word, in verband met die uitoefening of uitvoering van daardie bevoegdheid of plig die bystand wat die Minister bepaal, te verleen;

(ii) om werksaamhede ingevolge 'n ordonnansie in artikel 3 bedoel, te verrig asof hulle werksaamhede is wat daardie lid ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), verplig kan word om te verrig;

(iii) om die Republiek se gereedheid met betrekking tot burgerlike beskerming van tyd tot tyd te evalueer en om 'n Administrateur in verband daarmee in te lig en te adviseer;

(iv) om in samewerking met 'n Administrateur, burgerlike beskerming in 'n provinsie te aktiveer en om alle bedrywighede in verband daarmee te koördineer;

- (b) die hoof van 'n staatsdepartement, in oorleg met die Minister wat daardie departement administreer, aanwys om die werksaamhede wat die Minister bepaal, te verrig of te laat verrig in verband met 'n aangeleentheid waarvoor 'n ordonnansie in artikel 3 bedoel, voorsiening maak.

7. Die Staatspresident kan onderworpe aan die reëls wat hy dienstig ag dekorasies en medaljes, en ten opsigte van sodanige dekorasies en medaljes, balke, gespes en linte instel, wat deur hom of die Minister toegeken kan word aan 'n lid van 'n brandweer ten opsigte van sy diens as sodanige lid of aan iemand anders ten opsigte van diens ingevolge hierdie Wet of 'n in artikel 3 bedoelde ordonnansie.

Dekorasies
en medaljes.

8. Die Staatspresident kan regulasies uitvaardig betreffende die kategorieë van persone of die omstandighede waaronder bepaalde kategorieë van persone nie bevoeg is om enige werksaamheid waarvoor 'n in artikel 3 bedoelde ordonnansie voorsiening maak, te verrig nie.

Onbevoegdheid
van persone
om werksaamhede
te verrig.

9. (1) Die Staatspresident kan regulasies uitvaardig wat voorsiening maak vir die betaling, uit gelde vir dié doel deur die Parlement bewillig, van vergoeding aan iemand, of die afhanklikes van iemand, wie se dood, liggaamlike besering of ongeskiktheid die gevolg is van 'n gebeurtenis wat plaasvind in die loop

Vergoeding ten
opsigte van dood,
liggaamlike
besering of
ongeskiktheid
van sekere
persone.

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function entrusted to such person in terms of this Act, any ordinance referred to in section 3 or any law made under such ordinance.

(2) Regulations referred to in subsection (1)—

(a) shall—

- (i) determine the basis upon which and the conditions subject to which compensation shall be paid in terms of the regulations;
- (ii) determine the authority responsible for the administration of the regulations;

(b) may, without derogating from the generality of the provisions of subsection (1)—

- (i) determine the persons who shall be regarded as dependants for the purposes of the regulations;
- (ii) provide for the revision and, in appropriate cases, the discontinuance or reduction of any compensation payable in terms of the regulations;
- (iii) prohibit the cession, assignment or attachment of any compensation payable in terms of the regulations, or the right to any such compensation;
- (iv) determine that any compensation received in terms of the regulations shall not form part of the estate of the recipient, should such estate be sequestrated;
- (v) provide that if in the opinion of the authority referred to in paragraph (a) (ii), it is for any reason undesirable to pay the whole amount of any compensation payable in terms of the regulations directly to the person entitled thereto, such authority may direct that such compensation, or any part thereof, be paid to some other person, on such conditions as to its administration for the benefit of such first-mentioned person or his dependants as such authority may determine;
- (vi) provide for any other matter which the State President may deem fit to prescribe in order to ensure an efficient carrying out of the regulations.

(3) The State or any local authority referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), shall not be liable for damages in respect of any death, bodily injury or disablement referred to in subsection (1) where provision is made in terms of regulations made under this section for compensation in respect of such death, injury or disability.

(4) Regulations made under subsection (1) may come into operation on a date before the date of promulgation thereof.

Repeal of
Act 39 of 1966.

10. (1) The Civil Defence Act, 1966, is hereby repealed.

(2) The provisions of subsection (1) shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(3) Different dates may be fixed under subsection (2) in respect of the different provinces.

Short title.

11. This Act shall be called the Civil Defence Act, 1977.

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van die verrigting van enige werksaamheid aan so iemand opgedra ingevolge hierdie Wet, 'n ordonnansie in artikel 3 vermeld of 'n wet kragtens so 'n ordonnansie gemaak.

(2) Regulasies in subartikel (1) vermeld—

(a) moet—

- (i) die grondslag waarop en voorwaardes onderworpe waaraan vergoeding ingevolge die regulasies betaal moet word, bepaal;
- (ii) die gesag wat verantwoordelik is vir die uitvoering van die regulasies bepaal;

(b) kan, sonder om aan die algemeenheid van die bepalings van subartikel (1) af te doen—

- (i) die persone wat as afhanklikes vir die doeleindes van die regulasies beskou moet word, bepaal;
- (ii) voorsiening maak vir hersiening en, in gepaste gevalle, die staking of vermindering van vergoeding ingevolge die regulasies betaalbaar;
- (iii) die sessie, oordrag van of beslaglegging op enige vergoeding ingevolge die regulasies betaalbaar, of die reg op sodanige vergoeding, verbied;
- (iv) bepaal dat enige vergoeding ingevolge die regulasies ontvang, nie deel sal uitmaak van die boedel van die ontvanger nie, indien sodanige boedel gesekwestreer sou word;
- (v) bepaal dat indien na die oordeel van die gesag in paragraaf (a) (ii) vermeld, dit om die een of ander rede onwenslik is om die hele bedrag van enige vergoeding wat ingevolge die regulasies betaalbaar is, regstreeks aan die persoon wat daarop geregtig is, te betaal, sodanige gesag kan gelas dat daardie vergoeding, of enige gedeelte daarvan, aan iemand anders betaal word, op die voorwaardes wat betref die beheer daarvan ten bate van eersgenoemde persoon of sy afhanklikes, wat genoemde gesag bepaal;
- (vi) voorsiening maak vir enige ander aangeleentheid wat die Staatspresident goedvind om voor te skryf ten einde 'n doeltreffende uitvoering van die regulasies te verseker.

(3) Die Staat of 'n plaaslike owerheid bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), is nie aanspreeklik om enige vergoeding ten opsigte van enige sterfte, liggaamlike besering of ongeskiktheid in subartikel (1) beoog, te betaal nie waar daar ingevolge regulasies uitgevaardig kragtens hierdie artikel voorsiening gemaak word vir vergoeding ten opsigte van sodanige sterfte, besering of ongeskiktheid.

(4) Regulasies wat kragtens subartikel (1) uitgevaardig word, kan in werking tree op 'n datum voor die datum van afkondiging daarvan.

10. (1) Die Wet op Burgerlike Beskerming, 1966, word hierby herroep. Herroeping van
Wet 39 van 1966.

(2) Die bepalings van subartikel (1) tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(3) Verskillende datums kan kragtens subartikel (2) ten opsigte van die verskillende provinsies bepaal word.

11. Hierdie Wet heet die Wet op Burgerlike Beskerming, 1977. Kort titel.

